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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,408	11/12/2003	Sherif Yacoub	200300593-1	6791
22879 7590 11/26/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
SAINT CYR, LEONARD				
ART UNIT		PAPER NUMBER		
2626				
NOTIFICATION DATE		DELIVERY MODE		
11/26/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/706,408

**Applicant(s)**

YACOB, SHERIF

**Examiner**

LEONARD SAINT CYR

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/12/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Reopen prosecution**

1. In view of the appeal brief filed on 08/27/08, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 - 30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Zuberec does not teach retrieving an identified path from a set of paths; retrieving an identified option from a set of options associated with the

identified path; and concatenating the identified path and the identified option to form a selection path (Appeal brief, page 9).

The examiner agrees, but the claims are now rejected in view of new grounds of rejection. Please see claim rejection below.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 6 are rejected under 35 USC 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps to be performed, a statutory process under 35 USC 101 must be tied to another statutory category (such as a manufacture or a machine) or transform underlying subject matter (such as an article or material) to a different state or thing. Claims 1 – 6 appear to recite mental steps and do not identify the apparatus that accomplishes the method steps like “providing assistance to the user by the assistance manager in the speech recognition system” described in page 9, last paragraph of the specification. Thus, claims 1 - 6 do not define a statutory process.

Claim 6 is directed to non-statutory subject matter because this claim is toward a computer readable medium, where the medium is defined as “any medium that can

contain communicate, propagate, or transport program...infrared...propagation medium" described on page 15, last paragraph of the specification. From a technological standpoint, a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer. In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal.

Thus, such signal claim is ineligible for patent protection because it does not fall within any of the statutory class of 101. Accordingly, the subject matter of claim 6 is held to be non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Agarwal et al., (US PAP 2004/0085162).

As per claims 1, 5, 6, Agarwal et al., teach a processor-based method for producing a message during a speech recognition application comprising:

retrieving an identified path from a set of paths; retrieving an identified option from a set of options associated with the identified path ("book a flight: [departure time, departure city, flight information]"; paragraph 24);

concatenating the identified path and the identified option to form a selection path; and producing a message associated with the selection path ("play the prompt, ...Book a flight from San Francisco to Miami on November 16?"; paragraph 34, lines 7 – 22).

As per claims 2, and 3, Agarwal et al., further disclose that said identified path is retrieved without executing a general assistance command for describing to a user all available paths; without having described to a user any paths from the set of paths other than the identified path ("book a flight: [departure time, departure city, flight information]"; paragraph 24).

As per claim 4, Agarwal et al., further disclose continually monitoring the identified path to insure that the identified option is associated with the identified path ("determined whether the new slot value leads the dialog along a different path"; paragraph 34, last ten lines).

As per claims 7, and 14, Agarwal et al., teach a speech recognition system comprising: an application;

an assistance manager for forming a selection path and for finding a message associated with the selection path ("dialog manager"; paragraph 14);

a vocabulary accessible by the application and the assistance manager and including a set of utterances applicable to the application ("a corresponding grammar for

each of the identified slots from an associated reusable dialog component...allowable words and phrases"; paragraph 14); and

a speech recognition engine to recognize the utterances ("automatic speech recognizer"; paragraph 14).

As per claims 8, and 15, Agarwal et al., further disclose a converter (paragraph 40, last line).

As per claim 9, Agarwal et al., further disclose said vocabulary additionally includes at least one hot key word ("words and phrases"; paragraphs 14, and 24).

As per claims 10, 11, 16, 17, Agarwal et al., further disclose a dialog manager ("dialog manager"; paragraph 14).

As per claims 12, and 13, Agarwal et al., further disclose an operating system, computing device incorporating the speech recognition system of Claim 7 ("personal computer"; paragraph 39).

***Claim Rejections - 35 USC § 103***

6. Claims 18 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al., (US PAP 2004/0085162) in view of Commarford et al., (US PAP 2005/0081152).

As per claim 18, Agarwal et al., teach a processor-based method for providing assistance in a speech recognition application, comprising:

creating a speech dialog for enabling a conversation to be conducted in a speech recognition application between a user and a speech recognition system (paragraph 14);

creating a message for the selection path ("play the prompt, ...Book a flight from San Francisco to Miami on November 16?"; paragraph 34, lines 7 – 22).

However, Agarwal et al., do not specifically teach providing support for an interrupt event during a conversation between a user and a speech recognition system; creating a selection path corresponding the support for the interrupt event initiated by the user without describing to the user all available paths; interrupting a conversation between a user and a speech recognition system for providing assistance to the user.

Commarford et al., teach that the system initiated help request can be triggered by a no-response event. At least one IVR action can be associated with a no-response event. If selection (8) or the "exit" option is selected, the IVR application can disconnected the user from the IVR application (paragraph 28, lines 1 -5; paragraph 10, lines 1 - 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide automatic help within an IVR application as taught by Commarford et al., in Agarwal et al., because that would help determine an IVR event corresponding to request for help (paragraph 14, lines 1 -5).



As per claim 19, Commarford et al., further disclose said interrupt event comprises a hot key word ("request help through speech" paragraph 7, lines 1 – 4; paragraph 28, lines 1 -5).

As per claim 20, Commarford et al., further disclose said interrupting the conversation comprises interrupting the conversation with the interrupt event ("the IVR application can disconnected the user from the IVR application"; paragraph 28, lines 1 - 5; paragraph 10, lines 1 - 15).

As per claim 21, Commarford et al., further disclose said interrupting the conversation comprises uttering the hot key word by the user ("request help through speech" paragraph 7, lines 1 – 4; paragraph 28, lines 1 -5).

As per claim 22, Agarwal et al., in view of Commarford et al., further suggest said interrupting a conversation comprises activating an assistance manager ("dialog manager"; Commarford et al., paragraph 3; Agarwal et al., paragraph 14).

As per claim 23, Agarwal et al., in view of Commarford et al., further disclose retrieving an identified path from a set of paths; retrieving an identified option from a set of options associated with the identified path (Agarwal et al., "book a flight: [departure time, departure city, flight information]"; paragraph 24);

concatenating the identified path and the identified option to form the selection path; and producing the message associated with the selection path for providing assistance to the user (Agarwal et al., "play the prompt, ...Book a flight from San Francisco to Miami on November 16?"; paragraph 34, lines 7 – 22).

As per claims 24, and 25, Agarwal et al., further disclose that said identified path is retrieved without executing a general assistance command for describing to a user all available paths; without having described to a user any paths from the set of paths other than the identified path ("book a flight: [departure time, departure city, flight information]"; paragraph 24).

As per claim 26, Agarwal et al., further disclose activating an assistance manager for finding the selection path and for producing the message for the selection path("dialog manager"; paragraph 14; paragraph 34, lines 7 – 22).

As per claim 27, Agarwal et al., in view of Commarford et al., further disclose said interrupting the conversation comprises uttering by the user the hot key word along with a user-selective topic (Commarford et al; "request help through speech" paragraph 7, lines 1 – 4; paragraph 28, lines 1 -5).

As per claims 28 – 30, Agarwal et al., in view of Commarford et al., further disclose that said user-selective topic is selected from a group of topics consisting of an

active path and an option; wherein said selection path comprises said user-selective topic; and wherein said selection path comprises said active path ("play the prompt, ...Book a flight from San Francisco to Miami on November 16?"; paragraph 24, paragraph 34, lines 7 – 22).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see PTO-892-form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD SAINT CYR whose telephone number is (571) 272-4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 2626

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS

11/18/08

/Richemond Dorvil/

Supervisory Patent Examiner, Art Unit 2626